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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,832	04/15/2004	Charles Wu	MS1-347USC1	9462
22801	7590	05/23/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,832

Applicant(s)

WU, CHARLES

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 are subject to examination.

Specification

2. The abstract of the disclosure is objected to because it contains more than 150 words.. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1,

Claim 1 recites "wherein the second computing device deletes an object when the first device cannot access the corresponding object." Also, the claim also recites "if an object is on the list, then instructing the second computing device to refrain from updating the object when the first computing device cannot access the corresponding object." How and what is left behind, after the deletion of an object when "the first device cannot access the corresponding object", to update such that the need arises as to "second computing device is instructed to refrain from updating the object when the first computing device cannot access the corresponding object."

For the purpose of this office action, it is considered that the method of claim 1 is being construed as being incorporating two steps as claim recites:

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a) First being "creating a list of objects to update" on a first computing device and a second computing device, wherein the objects on the second computing device are updated using corresponding objects on the first computing device and wherein the second computing device deletes an object when the first device cannot access the corresponding object; ", here, a list includes objects "to update" "using corresponding objects" on a first computing device and a second computing device" which are intentionally made accessible (object cannot be accessible by just not being on the list) to the first computing device since the objects on the second computing device are updated using corresponding objects on the first computing device, otherwise the second computing device "deletes an object" ("updated using corresponding objects on the first computing device") during updating.

b) And if an object is on the list (when the list is being created), "then instructing the second computing device to refrain from updating the object when the first computing device cannot access the corresponding object", here the object is made intentionally not accessible so that not only the object does not get deleted but also it does not get updated either.

Referring to claim 3,

Claim 3 recites "synchronizing a pair of objects with new data items from either object in the pair; and protecting an object from synchronization if a corresponding object in a listed pair is missing." Since the claim recites "synchronizing a pair of objects with new data items" inherently implies that "old

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items are being automatically deleted unless old items are intentionally protected from the deletion during synchronizing.

Claim 3 also recites "listing pairs of corresponding objects for synchronization", that inherently implies that "the pairs of corresponding objects" not on the list are not be synchronized as claim recites "protecting an object from synchronization if a corresponding object in a listed pair is missing." and hence, "a corresponding object in a listed pair is missing" is inherently protected from synchronization by not being on the list because the list is for "listing pairs of corresponding objects for synchronization."

For the purpose of this office action, it is considered that the method of claim 3 is being construed as being providing "protecting an object from synchronization."

Referring to claim 4,

Claim 4 recites "A method of allowing for a contemporaneous object on a first and a second device". Examiner is unclear on what "specifics" the method is designed for and what type of devices are.

Claim 4 further recites "if the object exists in the second device then protecting the object from deletion and allowing the first device to access the object or providing the object to the first device. ", as such Examiner understands that the object's existence in the second device itself in itself inherently protects the object from deletion since Examiner is unclear on what "specifics" the method is designed for and what type of devices are.

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For the purpose of this office action, it is considered that the method of claim 4 is being construed as being providing the objects that exist in the second device ("new" object because it does not exist in the first device) to first device (allowing the first device to access the object or providing the object to the first device.)

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated Chase, jr. (US 5, 974. 238).

Referring to claim 1,

Chase teaches a method, comprising:

creating a list of objects to update on a first computing device and a second computing device, wherein the objects on the second computing device are updated using corresponding objects on the first computing device and wherein the second computing device deletes an object when the first device cannot access the corresponding object (Abstract); and

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if an object is on the list, then instructing the second computing device to refrain from updating the object when the first computing device cannot access the corresponding object. (col. 13, line 30-49, Fig. 5)

Referring to claim 2,

Chase teaches the method as recited in claim 2, further comprising removing the object from the list when the corresponding object is permanently removed from the first device. (Fig. 5, element "delete")

Referring to claim 3,

Chase teaches a method of maintaining contemporaneous data items in corresponding objects having new data items and old data items (abstract), comprising: listing pairs of corresponding objects for synchronization, wherein a first member of each pair resides on a first computing device and a second member of each pair resides on a second computing device; synchronizing a pair of objects with new data items from either object in the pair; and protecting an object from synchronization if a corresponding object in a listed pair is missing. . (col. 13, line 30-49, Fig. 5)

7. Claims 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated Hawkins et al. (hereinafter Hawkins). (US 6, 006, 274)).

Referring to claim 4,

Hawkins teaches a method of allowing for a contemporaneous object on a first and a second device, comprising: determining if an object exists in the first device; if the object does not exist in the first device then determining if the object exists in the second device; and if the object exists in the second device then

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protecting the object from deletion and allowing the first device to access the object or providing the object to the first device. (Fig. 1, col. 2, lines 66 through col. 3, line 51)

Referring to claim 5,

Hawkins teaches a synchronization method for computing devices, comprising: creating a list of corresponding objects stored on two computing devices Col. 3, line 38-40); communicatively coupling the two computing devices for synchronization (Fig. 1);

if one of the computing devices deletes an object to be synchronized when the corresponding object is missing on the other computing device then preventing deletion of the object to be synchronized if the missing object is on the list. (col. 3, line 45-51).

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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